

CASE STUDY OF ECOSYSTEM MANAGEMENT, THE BIOSPHERE RESERVE

PROGRAM, THE WORLD HERITAGE PROGRAM & THE WILDLANDS

PROJECT IN THE GREATER YELLOWSTONE ECOSYSTEM.

by Tom McDonnell
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The Greater Yellowstone Ecosystem in Montana, Idaho and Wyoming makes an excellent case study of how the international community, federal agencies and environmentalists are using a variety of tools to fully implement the practices of Conservation Biology. Ideally, these groups wish to see [Yellowstone National Park](#) become a core protected area free from all human activity; surrounded by a buffer zone of extremely limited access; connected by corridors to other ecosystems in Canada, Colorado and Washington. The region has been targeted by the environmentalists in what they call their [Wildlands Project](#). The region is included in the east- side ecosystem management proposal being developed by the Forest Service and Bureau of Land Management. And the region has been designated a United Nation's World Heritage and Biosphere Reserve by the international community.

Yellowstone National Park was designated a United Nations World Heritage Area in 1978. In the original request for designation as a World Heritage site, a buffer zone made up of the six surrounding National Forests was proposed. Part of this buffer zone was established in 1978 with the designation of the



[Absaroka-Beartooth Wilderness area](#) to the north and east of the Park. However, this designation excluded a mining area near the North border of Yellowstone, as a result of the U.S. Geological Survey's prediction of future mineral development. Part of this excluded region had already been mined. As early as 1875, ore was smelted in the region. By 1952 gold production in this area made Park County the third largest gold production area in the state of Montana.

In the late 1980's, Yellowstone received a double United Nations designation when it was also designated a biosphere reserve. Using the biosphere designation as their authority, federal agencies and environmentalists made their first attempt to implement an 18 million acre buffer zone in 1990 through what is known as the Greater Yellowstone Vision Document. This document

was met with a huge outcry by the public and the states of Idaho, Montana and Wyoming. The Directors of the National Park Service, U.S. Forest Service and U.S. Fish & Wildlife Service who formed a regional coordinating committee to manage the ecosystem were all removed from their positions the following year.

In 1993, Michael Finley was named Yellowstone's park superintendent. He had already established a reputation in the Everglades National Park for getting the park designated as a United Nations World Heritage site in danger.

Unknowningly, Crown Butte Mines was about to become the poster child for environmental group's second attempt at implementing a buffer zone around Yellowstone. In 1987, [Crown Butte Mines began developing a project](#) that would extract an estimated \$750 million worth of gold, silver and copper from an old mining district that sat one mountain range away from Yellowstone National Park. The New World mining project is unique in that the region had already been mined since before the turn of the century. Past mining activity had stopped a mere 100 feet from the rich gold deposit that now forms the basis of the mining plan. Under the National Environmental Policy Act (NEPA), Crown Butte's proposal to build the New World mining project was subjected to intense review and fact based research by more than 20 state and federal agencies for close to three years. Crown Butte was moving the mining proposal forward under some of the most stringent procedures in the world to ensure safety for the environment from all activities of the proposed mine.

To help maintain environmental quality, Crown Butte is proposing a cyanide-free process for removal of the gold in its underground mines. Even more importantly, the new mine will pay for the general reclamation of old mine dumps and the back-filling of historic operations. The mining company agreed to clean up Fisher Creek, which runs directly through the old mining district, and to clean up 250,000 tons of historic tailings in an adjoining watershed which have polluted a creek flowing directly into Yellowstone Park for over 50 years.



What the mine didn't foresee was that the United States was party to the United Nations Convention on World Heritage, and environmental groups such as the Greater Yellowstone Coalition and American Rivers, in concert with George Frampton, Assistant Secretary of the Interior for Fish and Wildlife and Parks, were about to short circuit domestic law by calling on the international environmental community to intervene in the project.

Under paragraph 56 of the United Nations Environmental Scientific and Cultural Organization's [operational guidelines](#), UNESCO is "particularly concerned that all possible measures should be taken to prevent the deletion of any property from the List..." Therefore, UNESCO established the "Guidelines for the inclusion of properties in the list of World Heritage in Danger." Under paragraph 69, the nation "state" may request assistance from UNESCO if the state feels a designated heritage area is in danger. If a request is received, UNESCO is to establish a committee to work in consultation with the state party (in this case the Department of the Interior) to adopt a program for corrective measures.

On February 28, 1995, Greater Yellowstone Coalition and 13 other

environmental groups wrote a letter to the United Nations Environmental Scientific and Cultural Organization asking UNESCO's World Heritage Committee to initiate an investigation of whether Yellowstone National Park should be included on the list of World Heritage in Danger as outlined under Section 69 of the *UNESCO Operational Guidelines for the Implementation of the World Heritage Convention*. In addition to the New World Mining Project, these groups cited increased levels of tourism, geothermal development, road building, home building, new population clusters and efforts to control brucellosis in the park's bison as some of the threats to Yellowstone. In the same letter, these groups specifically stated, "[f]inally, the World Heritage Committee's Operational Guidelines recognize the need to protect World Heritage Sites from incompatible activities beyond their boundaries and specifically recommend the establishment of buffer zones" around protected properties.

On March 6th Bernd von Droste, Director of the World Heritage Centre wrote to the Department of the Interior's Assistant Secretary for Fish, Wildlife and Parks, George Frampton, about UNESCO's possible intervention into the NEPA and mine permitting processes as written under American law. In this letter, von Droste stated:

"While we have taken note that the conservation organizations have requested that the World Heritage Secretariat involve itself in the EIS process, we simply are not staffed to do so. We could...request IUCN as our technical advisors, to review the Environmental Impact Statement."

"It is important to note that Article 1 of the World Heritage Convention obliges the State Party to protect, conserve present and transmit to future generations World Heritage sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5(A) recommends that State Parties integrate the protection of sites into comprehensive planning programmes. This, if proposed developments will damage the integrity of Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary."

Examples of the need to act beyond park boundaries are found at the Everglades National Park, Glacier National Park and Glacier Bay National Park, all World Heritage sites. In two of the sites the Government of British Columbia acted to close major mining operations rather than risk possible damage to downstream World Heritage values in both Canada and the United States.

"Clearly if there are threats to World Heritage values the State Party has a responsibility to act. If enabling legislation is not adequate, new legislation should be considered, as was the case in Australia with respect to the Tasmanian Wilderness World Heritage site."

On June 27, 1995, George Frampton, in response to the UNESCO letter discussed, Interior's sympathies towards the environmental concerns, and requested what was to be considered foreign intervention to American environmental laws as he wrote:

"With respect to the questions which you have raised regarding possible threats to the Yellowstone National Park World Heritage Site, Secretary

Babbitt and I are informed of the non-governmental conservation group concerns as transmitted to the Centre. The Secretary and the National Park Service have clearly expressed strong reservations with the New World Mine proposal."

"While President Clinton has said publicly that he wants to see the highest level of environmental analysis employed so that the impacts can be accurately determined, it is unclear whether several specific concerns of the Department of the Interior and the National Park Service, of other agencies, and of the conservation community will be taken into account in the EIS process."

"Until the scope and nature of the analyses are better defined and the matter is satisfactorily resolved without jeopardizing the values of Yellowstone, we believe that a potential danger to the values of the Park and surrounding waters and fisheries exists and that the Committee should be informed that the property as inscribed on the World Heritage List is in danger."

"Therefore, I wish to suggest that you and/or other representatives of the Committee, and, in particular, the World Conservation Union (IUCN) make an interim assessment of the New World Mine proposal and the related Environmental Impact Assessment process for the benefit of the Committee and report the findings to the Bureau and the full Committee during the December 1995 General Session."

It should be noted that Frampton's statements about the competency of the NEPA process and Yellowstone being "in danger" were made without any scientific evidence. On December 1, 1995, five months after Frampton had given Interior's opinion that international intervention was needed and Yellowstone was in danger, he wrote to UNESCO saying:

"The purpose of this document (the draft EIS) is to provide decision makers with relevant information to assist in selecting a preferred alternative and making final permit and other decisions. Upon release of the document a 60-day period of public and agency review will begin. Thus, until early 1996 when the draft document is published for public review, **there will not be a factual basis for determining the full range of impacts** to the resources of the Park. Moreover, until that time, it will not be possible to evaluate all of the studies and analyses that need to be part of such an assessment."

On July 7, 1995 the World Heritage Committee informed the Department of the Interior that it would send a delegation to comply with requests from the National Park Service and by the Assistant Secretary of Fish & Wildlife. The committee, however, stated that, "Due to the lack of available funds at the World Heritage Fund, the United States will assume the costs of the mission. The mission will study not only the mining project but also all the problems affecting Yellowstone (apparently very numerous)." With this letter, environmentalists and the administration initiated a full scale media blitz to soften public sentiment for UNESCO's arrival.

On August 25th, President Clinton flew to Jackson Hole and met with environmentalists. Following the meeting, Clinton announced a two year

moratorium on all mining claims on 19,000 acres of federal land near Yellowstone National Park. This action seemed unnecessary since it had absolutely no impact on the New World project several watersheds away. The withdrawal did appear, however, to be an attempt by the administration to prejudice the media and public into believing that the danger of large scale mining development in the region was greater than it truly was, and into believing the area to be mined was pristine and untouched. The truth was that the area in which the New World project sat had already been mined, and most of the ore body was on private land which Crown Butte had purchased. At the same time, *U.S. News and World Report* ran an article in which the administration condemned the mining project.

Editorials, however, began appearing accusing George Frampton and Michael Finley of engineering the United Nations visit to sabotage the mine review after Superintendent Finley admitted in the *Billings Gazette* that "the National Park Service fears the permitting process, led by the U.S. Forest Service and Montana Department of Environmental Quality, will overlook alternatives to the mining company's plans." This fear was also backed by a statement found in a March 6, 1995 letter from UNESCO to George Frampton. It was soon to become evident that the main focus of the UNESCO tour was much more than for purposes of discussing the environmental costs and benefits of the New World Mine.

On September 7th, 1995, a delegation appointed by UNESCO's Bureau of the World Heritage Committee arrived in the United States for a five day tour to evaluate the threats to Yellowstone. In regards to the mine permitting process and NEPA analysis, the World Heritage Committee's Chairman, Adul Wichiencharoen of Thailand, only stated that "The U.S. permitting process took a fragmented approach to weighing the impacts of the mine." According to Wyoming's *Casper Star Tribune*:

"The committee was more interested in how a coherent ecosystem management strategy to protect Yellowstone could be fashioned out of competing laws and agency priorities."

"Committee Chairman Adul Wichiencharoen of Thailand...[stated] that as a signatory to the World Heritage Convention Treaty, the United States has a duty to take steps to preserve the Yellowstone ecosystem across administrative boundaries of the park."

"Executive Director Bernd von Droste of Germany, asked if the EIS would be developed with the concept of critical buffer zones around the park in mind. "It's a bit too much piece-meal, doesn't speak to the biological interactions" outside park boundaries, he commented."

"Crown Butte President Joe Baylis asked what would constitute the boundary of the Yellowstone ecosystem. Moderator Tony Barnosky of the Mountain Resources Center at Montana State University replied that those boundaries have not been firmly established. There is general agreement that the ecosystem encompasses parts of Utah, Idaho, Wyoming and Montana, an area between 14 and 18 million square acres. Yellowstone Park itself covers roughly 2.3 million acres of the area."

The *Billings Gazette* in Montana gave a similar account of the meeting, saying:

"An international delegation examining a proposed gold mine near Yellowstone National Park said the United States may be overlooking the commitment it made, by signing a treaty, to maintain an uncompromised buffer zone around the national park. The president of the World Heritage Committee said he is inclined to suggest that the international panel urge the United States to expand Yellowstone Park to encompass millions of acres of national forest that surround it. Certainly the forest areas around Yellowstone belong to the same ecosystem. All these lands must have protection so their integrity is not threatened, said Adul Wichiencharoen of Thailand, who heads the World Heritage Committee, which operates under the administrative umbrella of the United Nations."

"By requesting that Yellowstone be designated a World Heritage Site, as it was in 1978, the United States in effect pledged to manage the surrounding lands in a way that would protect the park, said Bernd von Droste, director of the World Heritage Committee."

These statements were met the next day with a huge outcry from the press, the public, and from the Congressional delegations of the surrounding states. Wichiencharoen quickly withdrew his statement, and Montana newspapers noted that the World Heritage Committee changed the direction of its discussions from buffer zones to the fact that "the U.S. Forest Service should manage the some 11 million acres of adjacent national forest to avoid projects that would stain the entire Yellowstone region." Newspapers went on to note committee discussions which indicated that, "Land managers should simply keep undisturbed regions undisturbed."

Dropping all discussion on the issue of buffer zones, the World Heritage Committee turned its attention to addressing the other threats to Yellowstone. The *Billings Gazette* covers discussion concerning other threats to Yellowstone as follows:

"The sometimes-tense discussion for the delegation's benefit on Monday jumped from the mine to logging to a sort of reverse American imperialism. Four representatives of the World Heritage Committee wound up a four-day visit to Yellowstone on Monday by reserving a conclusion on the mine plan, but hoisting red flags on other park fronts: geothermal development, tourist overcrowding and threatened grizzly bears"

"Park managers in Yellowstone and elsewhere must also figure out ways to better manage people who may otherwise love this park to death, von Droste said."

The Livingston Enterprise expanded on the additional threats identified by the World Heritage Committee:

"First and foremost, the panel urged Americans to do whatever it takes to protect the underground plumbing system that feeds the park's famed geysers, bubbling mud pots and steam vents. They also said something should be done about increasing visitation, which is 'overtaxing' the park's weakening road system and infrastructure. They expressed concern about the effects of logging, oil and gas drilling and home building on the ecosystem in and around the park."

Despite assurance from World Heritage officials that the panel would not make any decision on Yellowstone's status until a draft EIS was released, the committee advanced its analysis to UNESCO for consideration and Yellowstone was designated a World Heritage in Danger on December 5, 1995 with this announcement:

"Berlin, Germany. This morning the World Heritage Committee placed Yellowstone National Park in the United States, the world's first national park, on the List of the World Heritage in Danger. The Committee did so after extensive evaluation of both ascertained and potential threats to the natural ecosystem of the park. This designation was prompted by a proposed gold, silver and copper mining operation 2-1/2 miles from the Park, which specialists have stated would endanger three major watersheds of the Yellowstone River, imperils water quality in Yellowstone National Park, destroys important wildlife habitat, and degrades natural beauty and wilderness. Three days of public hearings in the Park also elicited other threats, including the increasing encroachment on important ecosystem lands which surround Yellowstone by timber harvest, oil and gas development, road building, mining, and home construction; and ever-increasing levels of visitation, jeopardizing the park's natural resources and diminishing the quality of visitor experience."

One month after UNESCO's visit to determine if Yellowstone should be listed as a World Heritage Site in Danger, Sierra Club Legal Defense Fund announced its "Save Yellowstone Now" campaign to protect Yellowstone National Park and its adjoining 18 million acres.

The Yellowstone campaign closely parallels a similar campaign which Wildlands Project groups, the U.S. government and the World Wildlife Fund ran in 1994, called "Save British Columbia's Forests." The Canadian campaign successfully listed 19 million acres in the Tatshenshini-Alsek region of British Columbia, the Yukon and Alaska as a U.N. World Heritage site in December, 1994. Using the same World Heritage Committee as visited Yellowstone, environmentalists were also successful in stopping the Windy Craggy copper mine from being developed into what was thought to have been a world class mine. The campaign was also successful in raising millions of dollars in funds for the environmental groups who ran full page fund raising adds in newspapers in New York, Seattle and other metropolitan areas, and in listing the Waterton Lakes National Park and adjoining U.S. Glacier National Park as World Heritage Sites in 1995.

The "Save Yellowstone Now" campaign is multifaceted, and involves media, political, legislative and legal efforts of a number of environmental groups including the Greater Yellowstone Coalition. Sierra Club Legal Defense Fund is focusing its four-part legal strategy at "every federal management agency involved in Yellowstone -- the Forest Service, National Park Service, Fish & Wildlife Service and Bureau of Lands Management." They claim they will use all environmental laws (ie., NEPA, ESA, Clean Water Act, National Forest Management Act and Clean Water Act) to achieve its goals. Their campaign targets logging, destructive road-building, mining, geothermal drilling, oil and gas drilling and rampant tourism, saying that "more people, in more cars, requiring more facilities, for more months out of the year -- are taxing Yellowstone to its very ecological limits."

The campaign started immediately in October of 1995. Sierra Club, in cooperation with the Greater Yellowstone Coalition, appealed a USFS decision on the Bridger-Teton National Forest to the south of Yellowstone National Park. As reported in the *Rocky Mountain News*, these environmental groups felt that the USFS's "proposal to close 283 of the Pinedale ranger district's 828 miles of roads did not go far enough."

On February 21, 1996, the *Teton Valley Independent* in Driggs, Idaho quotes Jim Angell of the Sierra Club Legal Defense Fund as stating "[a] pair of lawsuits has already proved that excessive road building and excessive timbering threaten the endangered grizzly bear."

But industry was not the only one being attacked in the Greater Yellowstone Ecosystem; tourism was being attacked just as heavily. Immediately following Park Superintendent Finley's arrival in Yellowstone, the National Park Service initiated an internal organizing process to revise Yellowstone's winter use plan. Under this process air quality was monitored and visitors surveyed. During the 1994 winter season there were 96 complaints out of 146,000 visitors, which to most people would indicate a high level of satisfaction. The park service, however, did not interpret these statistics as satisfaction. Commenting on the park service statistics, Superintendent Finley stated, "Each winter, we receive more comments from visitors that their experience did not meet their expectations."

February 25th, an Albany, New York newspaper said "Mr. Finley has called for public meetings this month to discuss whether to limit snow-mobile access. 'Its not an easy question', he said; 'limiting access inside the park might just push snow-mobiles out into already overcrowded national forests nearby.'"

Again activities appear to be coordinated with those of environmentalists. On February 18, 1996, a Chardon, Ohio newspaper quoted Jasper Carlton, executive director of the Biodiversity Legal Foundation, as saying this about a legal challenge he plans to file this spring in Yellowstone. "We will insist on the complete elimination of the private motorized vehicles from the park in the winter."

In what appears to be an effort to save recreation on the north border of Yellowstone park, a bill was introduced into Congress in February which will designate a region of mixed public and private land a National Recreational Area if enacted. As in the case of the Crown Butte mine, appearances again are deceiving. Environmentalists on the Hells Canyon National Recreational Area of Idaho and Oregon have found recreational area designations extremely effective in restricting multiple uses on federal lands and for restricting development and use of private lands within the designated area through zoning.

In 1996, the Park Service and environmentalists appear to be launching a major campaign against development within the Greater Yellowstone Ecosystem. In February 1996, the *New York Times* ran an article on protecting Yellowstone which stated:

"Development outside a park's boundaries can seep in, and what happens inside can be felt beyond the broadest borders. That is why a United Nations conservation committee voted in December to designate

Yellowstone National Park a World Heritage Site in Danger...' 'Indeed, economic growth in the greater Yellowstone region - an area much larger than the park itself, which is sometimes called the largest nearly intact natural ecosystem in the temperate zone - is 'one of the greatest long-term threats to the ecological integrity of Yellowstone National Park,' said Michael Finley, the park superintendent. The population of some communities is growing at the rate of 4 percent a year, he said, and if nearby counties in Idaho, Wyoming and Montana that surround the park were taken together as a single state, it would be one of the fastest growing in the country."

Will environmentalists and the administration be successful in implementing all of the components of conservation biology in the Greater Yellowstone Ecosystem? All the current indicators say they have a high probability of success. At present, the bigger question is how many years will it take them to fully implement their agenda?

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